

Sentence Review Division
301 S. Park, Suite 328
P.O. Box 203005
Helena, MT 59620-3005
Phone: (406) 841-2977 or
(406) 841-2976

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-19-038
)	
Plaintiff,)	Powell County District Court
)	Montana Third Judicial District
)	
-vs-)	DECISION
)	
KENNETH CHARLES KING,)	
Defendant.)	

On June 25, 2019, the Defendant was sentenced to a Montana State Prison to be selected by the Department of Corrections for a term of three (3) years, for the offense of Count I: Escape, a Felony, in violation of §45-7-306(2017), MCA. The sentence was ordered to run consecutively to any underlying sentence. The Defendant did not receive any credit for time served, as he was incarcerated and serving time on an underlying sentence the entire time this case was pending.

On November 7, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant was present and was represented by Stephanie DeBoer, Defense Counsel. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 7th day of November, 2019.

DATED this 11th day of December, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



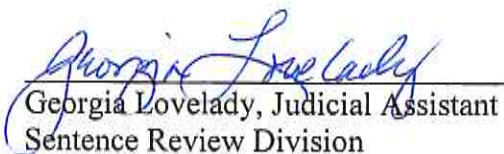
Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 13th day
of December, 2019, to:

Clerk of District Court (Original)
Kenneth Charles King #3016117, Defendant (2)
Hon. Ray Dayton
Stephanie DeBoer, Defense Counsel
Patrick Moody, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division